

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:20-cr-0045
)	
RAMONA RIVERA LUNA,)	
)	
Defendant.)	
)	

ORDER

BEFORE THE COURT is Defendant Ramona Rivera Luna’s (“Rivera Luna”) Motion to Continue, ECF No. 58, and the United States’ (the “Government”) Emergency Motion to Continue, ECF No. 59. For the reasons stated herein, the Court will grant the motions. The time to try this case is extended up to and including May 23, 2022.

On October 27, 2021, Rivera Luna filed her motion to continue. In the motion, Rivera Luna states that the instant matter is a “complex case that requires more time pro preparation and adequate defense.” (ECF No. 58 at 1.) Rivera Luna further states that a continuance is warranted due to ongoing plea discussions. *Id.* The Government joined the motion in its own emergency motion to continue, filed November 12, 2021. (ECF No. 59 at 1.) The Government similarly cites the complexity of the case as necessitating additional time for preparation, and requests that the period of time between the trial date as currently scheduled until the revised trial date be excluded for the purposes of Speedy Trial Act calculations. *Id.*

The Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*, requires that defendants be tried within seventy days of indictment. Nevertheless, pursuant to 18 U.S.C. § 3161(h)(7), a Court may exclude a period of delay in computing the time within which the trial of an offense must commence if the Court grants a continuance if “failure to grant such a continuance . . . would deny counsel for the defendant or the attorney for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.” 18 U.S.C. § 3161(h)(7)(B)(iv). Consistent with these concerns, the United States Court of

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Appeals for the Third Circuit has recognized that “an ‘ends of justice’ continuance may in appropriate circumstances be granted.” *United States v. Fields*, 39 F.3d 439, 444 (3d Cir. 1994) (finding that the district court had properly granted an “ends of justice” continuance to “permit plea negotiations to continue”); see *United States v. Otero*, 557 F. App’x 146, 150 (3d Cir. 2014) (finding that the district properly excluded from Speedy Trial Act computations the delays caused by the parties’ requests for continuances “to allow sufficient time to prepare due to the complexity of the case”).

While the Speedy Trial Act requires that defendants be tried within seventy days of indictment, the Court specifically finds that extending this period would be in the best interest of justice. Here, an extension is necessary to allow for counsel to adequately prepare in light of the complexity of the instant case, and to allow parties time to participate in plea negotiations.

Moreover, in response to the current conditions in the COVID-19 pandemic, the undersigned, as Chief Judge of the District Court of the Virgin Islands, issued a general order concerning operations of the Court on October 31, 2021, deeming the time period of November 1, 2021 through November 30, 2021, to be “excluded time” under the Speedy Trial Act for purposes of determining when an information or indictment must be filed or when a trial must commence pursuant to 18 U.S.C. § 3161(h)(7)(A).¹ The Court hereby fully incorporates the findings from the Court’s Twenty-Seventh Operations Order as fully stated herein.

To date, the COVID-19 virus has claimed more than 756,000 lives in the United States (84 of which have been in the U.S. Virgin Islands). COVID-19 continues to present an unpredictable threat to public health and safety, as shown in the recent surge in COVID-19 cases both in the continental United States and the Virgin Islands. As such, the Court finds that extending the period within which Defendant Rivera Luna may be tried under the Speedy Trial Act is necessary for the protection and well-being of the Defendant, the jury, the prosecutors, the witnesses, the Court’s personnel, and the general public at large.

¹ <https://www.vid.uscourts.gov/sites/vid/files/general-ordes/Twenty-Seventh%20Order%20Concerning%20Court%20Operations%20During%20COVID%20Outbreak.pdf>

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The premises considered, it is hereby

ORDERED that Defendant Rivera Luna's Motion to Continue, ECF No. 58, is **GRANTED**; it is further

ORDERED that the United States' Emergency Motion to Continue, ECF No. 59, is **GRANTED**; it is further

ORDERED that the time beginning from the date of this order granting an extension through May 23, 2022 **SHALL** be excluded in computing the time within which the trial in this matter must be initiated pursuant to 18 U.S.C. § 3161; it is further

ORDERED that the parties **SHALL** file and serve a pre-trial brief no later May 16, 2022, which shall include the following: (a) proposed list of witnesses; (b) proposed list of exhibits; (c) estimated length of case-in-chief and case-in-defense; (d) proposed non-standard *voir dire* questions; and (e) proposed non-standard jury instructions related to the elements of the charges and defenses; it is further

ORDERED that the parties **SHALL** provide the Clerk of Court with a USB Flash Drive containing electronic versions of exhibits no later than May 18, 2022;² and it is further

ORDERED that the jury selection and trial in this matter **SHALL** commence promptly at 9:00 on May 23, 2022, in St. Thomas Courtroom 1.

Dated: November 12, 2021

/s/ Robert A. Molloy
ROBERT A. MOLLOY
Chief Judge

² Counsel are advised to consult with Court technical staff to determine the proper format for saving electronic versions of exhibits. The Government's trial exhibits shall be labelled sequentially beginning with Government's Exhibit 1. Defense exhibits shall be labelled sequentially beginning with Defense Exhibit A.